

**No. 01-18-00051-CV**

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**IN THE FIRST COURT OF APPEALS  
HOUSTON, TEXAS**

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FILED IN  
1st COURT OF APPEALS  
HOUSTON, TEXAS  
6/4/2018 8:00:00 AM  
CHRISTOPHER A. PRINE  
Clerk

**KELLY R. JONES,**  
*Respondent/Appellant*

**v.**

**ALEXANDER JONES,**  
*Petitioner/Appellee*

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On Appeal from the 53rd Judicial District Court  
(proceedings held in the 419<sup>th</sup> Civil District Court with Judge Orlinda Naranjo presiding)  
Travis County, Texas  
Cause No. D-FM-15-005030

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**MOTION TO COMPEL REPORTER'S RECORD**

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BRANDI STOKES, Esq.  
BrandiKStokes.org

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## IDENTITY OF THE PARTIES AND COUNSEL

### **Attorney for Appellant** **Kelly R. Jones**

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SBN: 24044940  
[brandi.stokes@gmail.com](mailto:brandi.stokes@gmail.com)

Brandi K Stokes, Esq.  
P.O. Box 301916  
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Telephone: (512) 206-0202  
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### **Attorneys for Appellee** **Alexander Jones**

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**TO THE HONORABLE FIRST COURT OF APPEALS:**

**NOW COMES** Kelly R. Jones, Appellant, and files this Motion to Compel Reporter's Record and in support states the following:

*Background*

On January 11, 2018, Appellant filed a Request for Reporter's Record in the trial court. C.R. 644-682. The latest filing deadline for the reporter's record issued by this Court was May 16, 2018. *See App. 2a.*

Reporters records were filed with this Court on March 27<sup>th</sup>, April 3<sup>rd</sup>, April 27<sup>th</sup>, and May 1<sup>st</sup>. *See App. 2a.*

Ms. Hayes initially filed an unsealed record, and on May 2-3, 2018, Ms. Stokes, Appellant's attorney, conferenced with Ms. Hayes regarding requested records that were not filed with her reporter's record after noticing that transcripts from the 2016 proceedings were not indexed in any of the volumes submitted by Ms. Hayes. During an email exchange, Ms. Hayes disclaimed responsibility for the missing portions of the record and represented that the missing records were filed by "other reporters." *See App. 5a-6a.*

On May 9, 2018, Ms. Stokes requested with the Clerk of this Court to check out a copy of the reporter's record and was given a copy of the record on CD-ROM, except that audio- and video-file exhibits were not provided. Despite multiple filings of reporter's records, requested portions of the record from the following dates are still missing from the reporter's record: March 7-11, 2016; April 13, 2016; May 3, 2016; May 19, 2016; and June 3, 2016. Additionally, the three sets of records that have been filed are not properly formatted in compliance with the Uniform Format Manual for Texas Reporters' Records.

On May 30, 2018, Ms. Stokes reviewed the audio- and video-file exhibits on file with the Clerk of this Court and noted the following problems with the exhibits:

Trae Gilbert Deposition (missing sound)  
Erika Wolff Deposition part 1(missing sound)  
Erika Wolff Deposition part 2 (missing sound)  
Res. Exhibit 3 (missing sound)  
Res. Exhibit 15 (missing sound)

Res. Exhibit 38 (missing sound)  
Res. Exhibit 39 (missing sound)  
Res. Exhibit 97 (missing sound)  
Res. Exhibit 98 (missing sound)  
Res. Exhibit 99 (missing sound)  
Res. Exhibit 100 (missing sound)  
Res. Exhibit 101 (missing sound)  
Res. Exhibit 102 (missing sound)  
Res. Exhibit 103 (missing sound)  
Res. Exhibit 104 (missing sound)  
Res. Exhibit 105 (missing sound)  
Res. Exhibit 106 (missing sound)  
Res. Exhibit 107 (missing sound)  
Res. Exhibit 110 (missing sound)  
Res. Exhibit 111(missing sound)  
Pet. Exhibit 112 (missing sound)  
Res. Exhibit 35 (missing video and appears to be tampered with because there is a still image in the place of the video)

On May 31, 2018, Ms. Stokes again conferenced with Ms. Hayes regarding problems with the record, and during an email exchange, Ms. Hayes continued to disclaim responsibility for the records and continued to represent that the record was complete. *See*. App. 8a-12a.

### *Legal Arguments*

In this case, there is no dispute regarding any of the prerequisites enumerated in Section 25.3(b) of the Texas Rules of Appellate Procedure. There is further no dispute that Ms. Leah Hayes is currently the official court reporter assigned for the 419<sup>th</sup> Civil District Court nor is there any dispute that the hearings corresponding to the missing portions of the record at issue were held in the 419<sup>th</sup> Civil District Court. The only dispute that exists appears to be a question of law. Ms. Hayes has taken the position that she does not have any obligation or responsibility to compile, format, prepare, certify or timely file the reporter's records for any hearing that occurred in her assigned Court prior to her appointment as the official court reporter for 419<sup>th</sup> Civil District Court. Ms. Hayes position, however, is contrary to law. Section 35.3(b) of the Texas Rules of Appellate Procedure provides that "[t]he *official or deputy reporter is responsible*

*for preparing, certifying, and timely filing the reporter's record* if: (1) a notice of appeal has been filed; (2) the appellant has requested that the reporter's record be prepared; and (3) the party responsible for paying for the preparation of the reporter's record has paid the reporter's fee, or has made satisfactory arrangements with the reporter to pay the fee, or is entitled to appeal without paying the fee." (emphasis added). Section 10.1 of the Uniform Format Manual for Texas Reporters' Records further provides that "[t]he court reporter or court recorder *must compile, format, and file each appellate record in his or her assigned court*, unless the appeal at issue is generated from an ancillary court (e.g., drug courts, impact courts). A court reporter or court recorder assigned to an ancillary court must coordinate the compilation, formatting, and filing of each appellate record following this manual and in a timely manner as provided in rules and law." The law is clear. Ms. Hayes, is by law, responsibility for compiling, formatting, preparing, certifying, and timely filing the reporter's records for this appeal. There is no mechanism in the law for Ms. Hayes to both maintain her position as the official court reporter for the 419<sup>th</sup> Civil District Court and to disclaim responsibility for compiling, formatting, preparing, certifying, and timely filing any portion of the reporter's record at issue in this appeal. In fact, the law is so clear, that a review of the case law for both Tex. R. App. P. 35.3(b) and Unif. Format Manual for Tex. Reporters' Records § 10.1 returns no instances of an official court reporter for any court in Texas taking the position that an appellate attorney must coordinate with a prior official or deputy court reporter to get missing portions of the reporter's record properly indexed and filed.

Ms. Hayes has additionally taken the position that each deputy reporter must file their record separately with the appellate court. Not only does Ms. Hayes position run afoul of Tex. R. App. P. 35.3(b) and Unif. Format Manual for Tex. Reporters' Records § 10.1 as discussed above, but the uncoordinated filings have also created an improperly formatted record that does not

conform with the Uniform Format Manual for Texas Reporter's Records. For example, in this case, there are three records labeled volume one and two records labeled volume two. There are also two master indexes. Unif. Format Manual for Tex. Reporters' Records § 3.23(d) provides that "[w]hen the Official Reporter's Record consists of more than one volume, in addition to the individual indexes, there must be a master index in a separate volume labeled "Volume 1," *consisting of a compilation of all of the individual indexes...*" (emphasis added). While there are two master indexes in the file and each are labeled "Volume 1," neither master index contains a compilation of all of the individual indexes as each master index concerns separate portions of the record. As such, the record, as compiled and filed, is not in compliance with the Uniform Format Manual for Texas Reporter's Records.

Finally, Unif. Format Manual for Tex. Reporters' Records § 8.1 provides that "the portion of the Official Reporter's Record filed in electronic format that consists of a non-stenographic record must duplicate the content of each audio- or video-file exhibit." Unless the audio- and video-file exhibits listed above were missing the reported sound or video component when they were entered into evidence, the record, as compiled and filed, is not in compliance with the Uniform Format Manual for Texas Reporter's Records.

#### **PRAYER FOR RELIEF**

For the reasons set forth above, Appellant requests that this Court grant this Motion to Compel Reporter's Record and

- 1) order Leah Hayes, official court reporter for the 419<sup>th</sup> Civil District Court, to file a complete and properly formatted reporter's record with this court. *See* C.R. 644-682; *see generally* Unif. Format Manual for Tex. Reporter's Records;
- 2) order Dora Canizales, 1) to produce all records in her possession, control, or access that have already been prepared or transcribed, 2) to produce all original recordings in her

possession, control, or access of any proceedings for which a reporter's record has been requested, and 3) to coordinate and cooperate with Leah Hayes as necessary to file a complete and properly formatted reporter's record; and

3) order Leah Hayes to submit a copy of the original audio- or video-file exhibit for all exhibits reported as missing a sound or video component.

Respectfully submitted,

Brandi K Stokes, Esq.  
P.O. Box 301916  
Austin, TX 78703  
Tel: (512) 206-0202  
Fax: (512) 519-2013  
Brandi.Stokes@gmail.com

By: /s/ Brandi K Stokes  
Brandi K Stokes  
SBN: 24044940  
Attorney for Appellee Kelly R. Jones

#### **CERTIFICATE OF SERVICE**

By my signature above, I hereby certify that a true and correct copy of the foregoing has been delivered this 2nd day of June, 2018, by the method indicated to the following individuals via eServe:

Leah Hayes  
Dora Canizales  
Wallace B. Jefferson  
Rachel A. Ekery  
Nicholas Bacarisse  
Randall B. Wilhite  
David F. Minton

#### **VERIFICATION**

By my signature above, I verify that all facts recited within this motion are within my personal knowledge and are true and correct.

### **CERTIFICATE OF CONFERENCE**

By my signature above, I certify that reasonable efforts were made to confer with Ms. Hayes and the other party about the merits of this motion. Although somewhat ambiguous in her response, Ms. Hayes appears to be opposed to the motion, and has taken some very unusual positions regarding the disputed issues. *See App. 17a-19a.* Appellee has declined to comment on the merits of the motion other than to oppose any suggestion of court reporter misconduct. *See App. 20a.* Court reporter misconduct will be addressed in a separate Motion for Sanctions, if necessary, is not relevant to the merits of this motion, and Appellee is not privy to all of the evidence regarding the history of difficulties with this court reporter.

### **APPENDIX**

App. 001a-006a – Screenshot of the “case events” log for this case

App. 005-007a – Email exchange entitled “Jones Appeal”

App. 007a-016a – Email exchange entitled “01-18-00051-CV; Problems with the record”

App. 017a – Email from Leah Hayes dated June 2, 2018, and time-stamped 8:03 AM.

App. 019a – Email from Leah Hayes dated June 2, 2018, and time-stamped 8:16 AM.

App. 020a – Email from Jefferson Wallace Dated June 2, 2018



CASE: 01-18-00051-CV

Case:

**01-18-00051-CV**

Date Filed:

01/25/2018

Case Type:

Child Custody

Style:

Kelly R. Jones

v.:

Alexander Jones

Orig Proc:

No

Transfer From:

3rd Court of Appeals

Transfer In:

01/25/2018

Transfer Case:

03-17-00814-CV

Transfer To:

Transfer Out:

Pub Service:

**APPELLATE BRIEFS**

Date	Event Type	Description	Document
No briefs.			

## CASE EVENTS

Date	Event Type	Disposition	Document
05/31/2018	Appellants brief due		
05/25/2018	Letter filed		[ PDF/54 KB ] Letter
05/16/2018	Reporters record due		
05/03/2018	Document filed		
05/01/2018	Sealed reporters record filed		[ PDF/72 KB ] Notice
04/30/2018	Exhibits filed		
04/27/2018	Sealed reporters record filed		
04/27/2018	Sealed reporters record filed		[ PDF/71 KB ] Notice
04/17/2018	Record checked in		
04/16/2018	Extension of time to file reporters record disposed	Grant motion to extend time; absent extraordinary circumstances, Court will not grant additional motions to extend time	[ PDF/107 KB ] Notice
04/16/2018	Extension of time to file reporters record filed		
04/16/2018	Response due		
04/03/2018	Sealed reporters record filed		[ PDF/78 KB ] Notice
04/02/2018	Letter filed		[ PDF/119 KB ] Letter
04/02/2018	Reporters record due		
03/29/2018	Reporters record due		
03/27/2018	Sealed reporters record filed		[ PDF/79 KB ] Notice
03/26/2018	Appearance of counsel		[ PDF/60 KB ] Appearance
03/19/2018	Court reporters notice to court regarding status of record		
03/19/2018	Extension of time to file reporters record disposed	Motion or Writ Granted	[ PDF/82 KB ] Notice
03/19/2018	Extension of time to file reporters record filed		[ PDF/900 KB ] Extension
03/19/2018	Sealed clerk record filed		[ PDF/86 KB ] Notice
03/16/2018	Letter filed		[ PDF/139 KB ] Letter
03/15/2018	No payment arrangements made with trial court clerk for record		[ PDF/124 KB ] Notice
03/15/2018	Document filed		
03/15/2018	Extension of time to file reporters record disposed	Motion or Writ Granted	[ PDF/82 KB ] Notice
03/15/2018	Document filed		
03/15/2018	Extension of time to file reporters record filed		
03/15/2018	Record due		

Date	Event Type	Disposition	Document
01/25/2018	Case transferred to this court from another court of appeals		[ PDF/148 KB ] Notice
01/25/2018	Case transferred from this court to another court of appeals		
12/14/2017	Docketing statement filed		[ PDF/1.58 MB ] DS
12/13/2017	Letter received		[ PDF/107 KB ] Letter
12/13/2017	Letter received		[ PDF/218 KB ] copy of letter with NOA filing
12/13/2017	Letter received		[ PDF/72 KB ] Letter
12/04/2017	Notice of appeal filed in court of appeals		[ PDF/1.26 MB ] NOA [ PDF/100 KB ] Notice

## CALENDARS

### Set Date

05/31/2018

### Calendar Type

Status

### Reason Set

Appellant brief due

## PARTIES

### Party

Jones, Alexander

Jones, Kelly R.

### PartyType

Appellee

Appellant

### Representative

Wallace B. Jefferson

Rachel Anne Ekery

Nicholas Bacarisse

David Minton

Randall B. Wilhite

Brandi K. Stokes

## TRIAL COURT INFORMATION

Court

53rd District Court

County

Travis

Court Judge

Honorable Orlanda Naranjo

Court Case

D-1-FM-15-005030

Reporter

App. 004a

Leah Hayes

Punishment

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To view or print PDF files you must have the Adobe Acrobat® reader. This software may be obtained without charge from Adobe.  
Download the reader from the Adobe Web site



Brandi K Stokes &lt;brandi.stokes@gmail.com&gt;

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**Re: {EXTERNAL} Re: Jones Appeal**

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**Leah Hayes** <Leah.Hayes@traviscountytx.gov>  
To: Brandi K Stokes <brandi.stokes@gmail.com>

Thu, May 3, 2018 at 9:49 AM

I was not here for the 2016 records. That was other reporters. And they have filed with the COA. I got the notice that they were filed. My first record was January of 2017.

Leah Hayes, Court Reporter  
Judge Orlinda Naranjo  
419th District Court  
[1000 Guadalupe St., Room 325](#)  
Austin, Texas 78701  
Phone: (512) 854-9329

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**From:** Brandi K Stokes <brandi.stokes@gmail.com>  
**Sent:** Wednesday, May 2, 2018 9:12:36 PM  
**To:** Leah Hayes  
**Subject:** Re: {EXTERNAL} Re: Jones Appeal

Ms. Hayes,

Please find attached a copy of the request for reporter's record filed in the Jones case. After reviewing volumes 1 through 23 filed with the court of appeals, it appears that all of the 2016 hearings are missing. As the official court reporter for Judge Naranjo, you are responsible for getting those transcripts to the appellate court. I believe that I've tried to discuss this issue with you in past. I will have little choice but to file a motion to compel, if you won't take responsibility for getting those records to the appellate court.

I have not had a chance to review volume 24, but I assume that it is exhibit related.

Please let me know what your position is regarding these records. I will need to let the court know by Monday that the record is incomplete.

Thanks,

Brandi Stokes

On Mon, Apr 30, 2018 at 3:24 PM, Leah Hayes <Leah.Hayes@traviscountytx.gov> wrote:

Great! Let me know.

Leah Hayes, Court Reporter  
Judge Orlinda Naranjo  
419th District Court  
[1000 Guadalupe St., Room 325](#)  
Austin, Texas 78701  
Phone: (512) 854-9329

**From:** Brandi K Stokes <[brandi.stokes@gmail.com](mailto:brandi.stokes@gmail.com)>

**Sent:** Monday, April 30, 2018 3:13:53 PM

**To:** Leah Hayes

**Subject:** {EXTERNAL} Re: Jones Appeal

I plan to drive to Houston either Tuesday or Wednesday to get a copy of the record from the clerk. Its not accessible online because of the seal. If I have any trouble with anything, I'll follow up with you.

On Mon, Apr 30, 2018 at 2:54 PM, Leah Hayes <[Leah.Hayes@traviscountytx.gov](mailto:Leah.Hayes@traviscountytx.gov)> wrote:

Ms. Stokes,

The complete record has been filed. Are you able to get on the portal to get your copy that includes all the exhibits? IT took me two full days (over the weekend) to file this. If I have to send you a separate copy it will take that long. It takes a long time for the media exhibits to upload and I have to do them separately, one by one.

Leah Hayes, Court Reporter  
Judge Orlinda Naranjo  
419th District Court  
[1000 Guadalupe St., Room 325](#)  
Austin, Texas 78701  
Phone: (512) 854-9329

--

Thanks,

Brandi Stokes  
P.O. Box 301916  
Austin, Texas 78703  
[brandi.stokes@gmail.com](mailto:brandi.stokes@gmail.com)  
Tel: 512/206-0202  
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[twitter.com/OneTaoMinistry](https://twitter.com/OneTaoMinistry)

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Thanks,

Brandi Stokes  
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Fax: 512/519-2013  
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[twitter.com/OneTaoMinistry](https://twitter.com/OneTaoMinistry)

6/2/2018

Gmail - Re: {EXTERNAL} Re: Jones Appeal

App. 007a

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Brandi K Stokes &lt;brandi.stokes@gmail.com&gt;

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**Re: {EXTERNAL} . 01-18-00051-CV; Problems with the record**

---

**Leah Hayes** <Leah.Hayes@traviscountytx.gov>

Fri, Jun 1, 2018 at 2:26 PM

To: Brandi K Stokes &lt;brandi.stokes@gmail.com&gt;

Cc: Trent Hightower &lt;Trent.Hightower@traviscountytx.gov&gt;, David Minton &lt;dminton@mbfc.com&gt;, "Randall Wilhite (rwilhite@fullenweider.com)" &lt;rwilhite@fullenweider.com&gt;, Wallace B Jefferson &lt;wjjefferson@adjtlaw.com&gt;, Nicholas Bacarisse &lt;nbacarisse@adjtlaw.com&gt;, Rachel Ekery &lt;rekery@adjtlaw.com&gt;

I CANNOT PREPARE ANOTHER COURT REPORTER'S RECORD. IT IS HUMANLY IMPOSSIBLE. I can only do my own work. I am not responsible for another reporter's record.

Leah Hayes, Court Reporter  
Judge Orlinda Naranjo  
419th District Court  
1000 Guadalupe St., Room 325  
Austin, Texas 78701  
Phone: (512) 854-9329

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**From:** Brandi K Stokes <brandi.stokes@gmail.com>**Sent:** Friday, June 1, 2018 2:24:59 PM**To:** Leah Hayes**Cc:** Trent Hightower; David Minton; Randall Wilhite (rwilhite@fullenweider.com); Wallace B Jefferson; Nicholas Bacarisse; Rachel Ekery**Subject:** Re: {EXTERNAL} . 01-18-00051-CV; Problems with the record

Leah,

Thank you for letting me know you position. I disagree with you. Let's see what the court says.

Brandi Stokes

On Fri, Jun 1, 2018 at 2:22 PM, Leah Hayes &lt;Leah.Hayes@traviscountytx.gov&gt; wrote:

And I prepare ONLY the records I take. Not another reporter's. That is her property. It has nothing to do with me. We are all on different software. There is no way I or any other reporter will prepare another's records. It's not even possible. the clerks do not have our records either. I sent you the names of all the reporters and I know you have dealt with them because they all told me they filed and were paid.

For instance, I get calls all the time from attorneys wanting a record from a hearing or trial that was before I came here. I get in touch with that reporter and they get in touch with the attorney. That is their business. I do not prepare another reporter's record. None of us ever do that. It's impossible. I can only do my records.

Leah Hayes, Court Reporter  
Judge Orlinda Naranjo  
419th District Court



1000 Guadalupe St., Room 325

Austin, Texas 78701

Phone: (512) 854-9329

---

**From:** Brandi K Stokes <[brandi.stokes@gmail.com](mailto:brandi.stokes@gmail.com)>

**Sent:** Friday, June 1, 2018 2:07:13 PM

**To:** Leah Hayes

**Cc:** Trent Hightower; David Minton; Randall Wilhite ([rwilhite@fullenweider.com](mailto:rwilhite@fullenweider.com)); Wallace B Jefferson; Nicholas Bacarisse; Rachel Ekery

**Subject:** Re: {EXTERNAL} . 01-18-00051-CV; Problems with the record

Ms. Hayes,

You are the official court reporter for the 419th. When you took over that position, you took over the responsibility of preparing records for the position of official court reporter for the 419th. If the Clerk won't give you the record, you need to report that to the First Court of Appeals, so they can sanction the clerk. Otherwise, my motion for sanctions will be on you.

Thank you.

Brandi Stokes

On Fri, Jun 1, 2018 at 8:37 AM, Leah Hayes <[Leah.Hayes@traviscountytx.gov](mailto:Leah.Hayes@traviscountytx.gov)> wrote:

Good morning,

She never said you didn't. She told me my record was complete and all the video and audio are in working order. So, until I hear from them that it's not a complete record, I will assume it is done correctly.

Also, the other reporters have all confirmed they filed it sealed, so their records should be there. I got email confirmation they filed from the 1st COA. I have no dealings with their records. That's between you and them.

Leah Hayes, Court Reporter

Judge Orlinda Naranjo

419th District Court

1000 Guadalupe St., Room 325

Austin, Texas 78701

Phone: (512) 854-9329

---

**From:** Brandi K Stokes <[brandi.stokes@gmail.com](mailto:brandi.stokes@gmail.com)>

**Sent:** Thursday, May 31, 2018 3:59:02 PM

**To:** Leah Hayes

**Cc:** Trent Hightower; David Minton; Randall Wilhite ([rwilhite@fullenweider.com](mailto:rwilhite@fullenweider.com)); Wallace B Jefferson; Nicholas Bacarisse; Rachel Ekery

**Subject:** Re: {EXTERNAL} . 01-18-00051-CV; Problems with the record

Ms. Hayes,

I did physically go to the 1st COA, and I did personally review the exhibits at their office.

I have my conversation with the clerk from my visit to their office recorded. They are not going to be able to say that I was not there.

Thank you.

Brandi Stokes

On Thu, May 31, 2018 at 3:56 PM, Leah Hayes <[Leah.Hayes@traviscountytx.gov](mailto:Leah.Hayes@traviscountytx.gov)> wrote:

Brandi,

You need to go physically to the 1st COA to get the sealed transcripts. And the exhibits that they have are the all in working order. You have to physically go and view their files and go by their files, not what I sent you in Dropbox. Maybe Dropbox messed it up somehow?.

I just got off the phone with the 1st COA and you haven't physically gone there to view what they have and what they have is what you have to go by. I was being extremely professional to spend half a day sending you all those exhibits that are video and audio. I also did not charge your client for the half day I spent and the use of my scanner.

Leah Hayes, Court Reporter  
Judge Orlinda Naranjo  
419th District Court  
[1000 Guadalupe St., Room 325](#)  
Austin, Texas 78701  
Phone: (512) 854-9329

---

**From:** Brandi K Stokes <[brandi.stokes@gmail.com](mailto:brandi.stokes@gmail.com)>

**Sent:** Thursday, May 31, 2018 3:40:53 PM

**To:** Leah Hayes

**Cc:** Trent Hightower; David Minton; Randall Wilhite ([rwilhite@fullenweider.com](mailto:rwilhite@fullenweider.com)); Wallace B Jefferson; Nicholas Bacarisse; Rachel Ekery

**Subject:** Re: {EXTERNAL} . 01-18-00051-CV; Problems with the record

Ms. Hayes,

At this point, I must recommend that you hire counsel before making any further statements regarding the records. If you will recall, you gave me access to your dropbox folder so that I could download the files from you to check the record. At that time, I told you about the sound problem. You made a number of admissions at that time that contradict some of your statements here today.

I would prefer the record be made complete rather than have a complaint against you accrue. You are wrong and you have made some mistakes that will get you in criminal trouble, if you keep it up.

Thank you.

Brandi Stokes

On Thu, May 31, 2018 at 3:34 PM, Leah Hayes <[Leah.Hayes@traviscountytx.gov](mailto:Leah.Hayes@traviscountytx.gov)> wrote:

Everything had sound when I uploaded them to the portal for the 1st COA. If they somehow got messed up on their end that is not my fault. I personally checked every single one of them and they all worked and I got confirmation from the COA.

Leah Hayes, Court Reporter  
Judge Orlinda Naranjo  
419th District Court  
[1000 Guadalupe St., Room 325](#)  
Austin, Texas 78701  
Phone: (512) 854-9329

---

**From:** Brandi K Stokes <[brandi.stokes@gmail.com](mailto:brandi.stokes@gmail.com)>

**Sent:** Thursday, May 31, 2018 3:20:01 PM

**To:** Leah Hayes

**Cc:** Trent Hightower; David Minton; Randall Wilhite ([rwilhite@fullenweider.com](mailto:rwilhite@fullenweider.com)); Wallace B Jefferson; Nicholas Bacarisse; Rachel Ekery

**Subject:** Re: {EXTERNAL} . 01-18-00051-CV; Problems with the record

Ms. Hayes,

You are correct that the November 15th hearing was in 2017. My apologies for the typo.

The fact that Exhibit 35 did not get submitted to the jury does not mitigate this problem. Some of the exhibits that are missing sound did go to the jury and some didn't. The ones that didn't have been submitted with an offer of proof and still constitute evidence subjected to tampering laws.

Thanks you.

Brandi Stokes

On Thu, May 31, 2018 at 2:53 PM, Leah Hayes <[Leah.Hayes@traviscountytx.gov](mailto:Leah.Hayes@traviscountytx.gov)> wrote:

Also, the exhibit 35 you are talking about was from the November 2017 hearing and there wasn't a jury there.

Leah Hayes, Court Reporter  
Judge Orlinda Naranjo  
419th District Court  
[1000 Guadalupe St., Room 325](#)  
Austin, Texas 78701  
Phone: (512) 854-9329

---

**From:** Brandi K Stokes <[brandi.stokes@gmail.com](mailto:brandi.stokes@gmail.com)>

**Sent:** Thursday, May 31, 2018 2:46:28 PM

**To:** Leah Hayes; Trent Hightower; David Minton; Randall Wilhite ([rwilhite@fullenweider.com](mailto:rwilhite@fullenweider.com)); Wallace B Jefferson; Nicholas Bacarisse; Rachel Ekery

**Subject:** {EXTERNAL} . 01-18-00051-CV; Problems with the record

Ms. Hayes,

I have verified that the following transcripts are still missing from the record and am drafting a motion to compel to deal with this problem:

March 7-11, 2016 Pre-trial/Temporary Orders  
April 13, 2016 Pre-trial/Review Hearing  
May 3, 2016 Pre-trial/TRO Hearing  
May 19, 2016 Pre-trial/TRO Hearing  
June 3, 2016 Pre-trial/Temporary Orders

My understanding is that you disclaim responsibility for these records; however, the Texas Rules of Appellate Procedure place the responsibility upon you to gather, index, and file these records with your official response to my request for reporter's record. See TRAP 35.3.

Also, the sound is missing for the following exhibits uploaded to the Clerk for this case:

Trae Gilbert Deposition

Erika Wolff Deposition part 1

Erika Wolff Deposition part 2

Res. Exhibits 3, 15, 38, 39, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 110, and 111

Pet. Exhibit 112.

Additionally, the following exhibit appears to have been tampered with:

Res. Exhibit 35.

A true and correct copy of Res. Exhibit 35 submitted at the November 15, 2018, hearing can be found at the following link:

<https://tinyurl.com/DefamationEvidenceWithWilhites>

The original Res. Exhibit 35 included video footage, but the Res. Exhibit 35 uploaded to the Clerk only shows a still image in place of the video. I am also concerned that the audio has been tampered with, but the exhibit would need to be examined by an expert to know for sure.

What can be done about all of this? If the exhibits were submitted to the jury with the sound missing, that will be relevant to the appeal.

I intend to get the Motion to Compel filed by the end of the day tomorrow, so please respond as soon as possible, if you are planning to respond at all.

Thank you,

Brandi Stokes

On Thu, May 3, 2018 at 9:49 AM, Leah Hayes <[Leah.Hayes@traviscountytx.gov](mailto:Leah.Hayes@traviscountytx.gov)> wrote:

I was not here for the 2016 records. That was other reporters. And they have filed with the COA. I got the notice that they were filed. My first record was January of 2017.

Leah Hayes, Court Reporter  
Judge Orlinda Naranjo  
419th District Court  
[1000 Guadalupe St., Room 325](#)  
Austin, Texas 78701  
Phone: (512) 854-9329

---

**From:** Brandi K Stokes <[brandi.stokes@gmail.com](mailto:brandi.stokes@gmail.com)>

**Sent:** Wednesday, May 2, 2018 9:12:36 PM

**To:** Leah Hayes

**Subject:** Re: {EXTERNAL} Re: Jones Appeal

Ms. Hayes,

Please find attached a copy of the request for reporter's record filed in the Jones case. After reviewing volumes 1 through 23 filed with the court of appeals, it appears that all of the 2016 hearings are missing. As the official court reporter for Judge Naranjo, you are responsible for getting those transcripts to the appellate court. I believe that I've tried to discuss this issue with you in past. I will have little choice but to file a motion to compel, if you won't take responsibility for getting those records to the appellate court.

I have not had a chance to review volume 24, but I assume that it is exhibit related.

Please let me know what your position is regarding these records. I will need to let the court know by Monday that the record is incomplete.

Thanks,

Brandi Stokes

On Mon, Apr 30, 2018 at 3:24 PM, Leah Hayes <[Leah.Hayes@traviscountytx.gov](mailto:Leah.Hayes@traviscountytx.gov)> wrote:

Great! Let me know.

Leah Hayes, Court Reporter  
Judge Orlinda Naranjo  
419th District Court  
[1000 Guadalupe St., Room 325](#)  
Austin, Texas 78701  
Phone: (512) 854-9329

---

**From:** Brandi K Stokes <[brandi.stokes@gmail.com](mailto:brandi.stokes@gmail.com)>

**Sent:** Monday, April 30, 2018 3:13:53 PM

**To:** Leah Hayes

**Subject:** {EXTERNAL} Re: Jones Appeal

I plan to drive to Houston either Tuesday or Wednesday to get a copy of the record from the clerk. Its not accessible online because of the seal. If I have any trouble with anything, I'll follow up with you.

On Mon, Apr 30, 2018 at 2:54 PM, Leah Hayes <[Leah.Hayes@traviscountytx.gov](mailto:Leah.Hayes@traviscountytx.gov)> wrote:

Ms. Stokes,

The complete record has been filed. Are you able to get on the portal to get your copy that includes all the exhibits? IT took me two full days (over the weekend) to file this. If I have to send you a separate copy it will take that long. It takes a long time for the media exhibits to upload and I have to do them separately, one by one.

Leah Hayes, Court Reporter  
Judge Orlinda Naranjo  
419th District Court  
[1000 Guadalupe St., Room 325](#)  
Austin, Texas 78701  
Phone: (512) 854-9329

--

Thanks,

Brandi Stokes  
P.O. Box 301916  
Austin, Texas 78703

[brandi.stokes@gmail.com](mailto:brandi.stokes@gmail.com)  
Tel: 512/206-0202  
Fax: 512/519-2013  
[brandikstokes.org](http://brandikstokes.org)  
[twitter.com/OneTaoMinistry](https://twitter.com/OneTaoMinistry)

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Thanks,

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Thanks,

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Thanks,

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6/2/2018

Gmail - Re: {EXTERNAL} . 01-18-00051-CV; Problems with the record

App. 016a

immediately and you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

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Thanks,

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Brandi K Stokes &lt;brandi.stokes@gmail.com&gt;

---

**Re: {EXTERNAL} 01-18-00051-CV; Uniform Format Manual for Texas Court Reporters**

---

**Leah Hayes** <Leah.Hayes@traviscountytx.gov>

Sat, Jun 2, 2018 at 8:03 AM

To: Brandi K Stokes <brandi.stokes@gmail.com>, David Minton <dminton@mbfc.com>, "Randall Wilhite (rwilhite@fullenweider.com)" <rwilhite@fullenweider.com>, Wallace B Jefferson <wjjefferson@adjtlaw.com>, Nicholas Bacarisse <nbacarisse@adjtlaw.com>, Rachel Ekery <rekery@adjtlaw.com>

read it again Brandi. It says "his or her" record. The other reporters records are not MY record to complete. You just are not understanding at all, are you? You don't get it. I am as the official to prepare "may" records. Not other reporters records. You are wrong. You just can't understand, can you????

Leah Hayes, Court Reporter  
Judge Orlanda Naranjo  
419th District Court  
[1000 Guadalupe St., Room 325](#)  
Austin, Texas 78701  
Phone: (512) 854-9329

---

**From:** Brandi K Stokes <[brandi.stokes@gmail.com](mailto:brandi.stokes@gmail.com)>**Sent:** Saturday, June 2, 2018 12:20:50 AM**To:** Leah Hayes; David Minton; Randall Wilhite ([rwilhite@fullenweider.com](mailto:rwilhite@fullenweider.com)); Wallace B Jefferson; Nicholas Bacarisse; Rachel Ekery**Subject:** {EXTERNAL} 01-18-00051-CV; Uniform Format Manual for Texas Court Reporters

Ms. Hayes,

Please find attached a copy of the Uniform Format Manual for Texas Court Reporters. I would like to draw your attention to Section 10.1, which provides that:

10.1 Preparation and Compilation of Appellate Record. The court reporter or court recorder must compile, format, and file each appellate record in his or her assigned court, unless the appeal at issue is generated from an ancillary court (e.g., drug courts, impact courts). A court reporter or court recorder assigned to an ancillary court must coordinate the compilation, formatting, and filing of each appellate record following this manual and in a timely manner as provided in rules and law.

According to the manual, it is your responsibility to file each record, not the substitute reporter or prior official reporter. When you take over the position of official reporter, you take over this responsibility.

--

Thanks,

Brandi Stokes  
P.O. Box 301916  
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6/2/2018

Gmail - Re: {EXTERNAL} 01-18-00051-CV; Uniform Format Manual for Texas Court Reporters

App. 018a

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--



Brandi K Stokes &lt;brandi.stokes@gmail.com&gt;

---

**Re: {EXTERNAL} 01-18-00051-CV; Uniform Format Manual for Texas Court Reporters**

---

**Leah Hayes** <Leah.Hayes@traviscountytx.gov>  
To: Brandi K Stokes <brandi.stokes@gmail.com>

Sat, Jun 2, 2018 at 8:16 AM

Dora Canizales was the official court reporter before me, so of course as the official she is responsible for her portion of the record. The other reporters were subs, and when they sub the Judge swears them in as the official reporter for the time they are subbing, which makes them the official reporter for the 419th. Therefore, they are responsible for the records they take. There is sooooo much you just don't know and you are completely wrong. You really don't get it and you're coming at me like you come at everybody: Defense mode. You are always ready for a fight. I've seen it in my court the way you put on a show. Remember, I was there when you tried to record my Judge on your phone and Mr. Wilhite had to call you out. You were wrong then too. I also know that you are a working attorney and you try to say you are indigent so you don't have to pay for transcripts. I think I'm going to let Rhonda know about the hearing we just had where you are representing somebody and there is a 3 day hearing coming up and I'm sure you're being paid by the hour. You need to get off of threatening me. I have done everything correct on this appeal. You are wasting your time. I'm way to busy in my court to have to deal with an attorney who has nothing better to do than email me at midnight on a Friday night with you ridiculous accusations.

[Quoted text hidden]

[Quoted text hidden]



Brandi K Stokes &lt;brandi.stokes@gmail.com&gt;

---

**01-18-00051-CV; Conference Req. for Draft Motion to Compel**

---

**Wallace B Jefferson** <wjjefferson@adjtlaw.com>

Sat, Jun 2, 2018 at 12:51 PM

To: Brandi K Stokes &lt;brandi.stokes@gmail.com&gt;

Cc: "Randall Wilhite (rwilhite@fullenweider.com)" &lt;rwilhite@fullenweider.com&gt;, David Minton &lt;dminton@mbfc.com&gt;, Nicholas Bacarisse &lt;nbacarisse@adjtlaw.com&gt;, Rachel Ekery &lt;rekery@adjtlaw.com&gt;

Hi Brandi,

We cannot comment on the state of the record, which we have not seen. We oppose any suggestion of improper conduct on the court reporter's part.

Wallace

Sent from my iPhone

[Quoted text hidden]

&lt;motion to compel reporters record.pdf&gt;